

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

ORDER NO. 97-125

TIME SCHEDULE ORDER PRESCRIBING POTENTIAL ADMINISTRATIVE CIVIL
LIABILITY FOR:

U. S. NAVY
POINT MOLATE NAVAL FUELS DEPOT
RICHMOND, CONTRA COSTA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region
(hereinafter the Board) finds that:

- I. SITE DESCRIPTION: The U.S. Navy (hereinafter collectively referred to as the Discharger) owns and operates, the Point Molate Naval Fuels Depot (hereinafter referred to as the Site). The Site is located on the eastern shore of San Francisco Bay, about one mile north of the Richmond-San Rafael Bridge in the city of Richmond (Figure 1). The facility covers approximately 423 acres with topography varying from flat lying, reclaimed tidal marsh along the bay front to steep hills rising to an elevation of more than 500 feet. The facility is bordered on the north, south and east by property owned by Chevron Corporation and to the west by San Francisco Bay.
2. SITE HISTORY: The Navy established Point Molate Fuels Depot in the early 1940s. Over 40 million gallons of fuel and oil were stored in 24 aboveground tanks. The facility has been slated for closure under the fourth round of the federal Base Realignment and Closure Act (BRAC IV) and has been shut down since September 30, 1995.
3. PURPOSE OF ORDER: This Order establishes potential maximum civil liability for non-compliance with a revised schedule for tasks contained in Site Cleanup Requirements (Order No. 95-235) that have not been completed and for non-compliance with a new schedule for certain tasks contained in Site Cleanup Requirements (Order No. 97-124). Completion of the tasks in this Order are necessary to alleviate the pollution and threatened pollution of surface water and groundwater posed by the migration of contaminants and to provide a substantive technical basis for designing and evaluating effectiveness of final remediation.

4. Pursuant to Section 13308(a) of the California Water Code: "If the regional board determines there is a threatened or continuing violation of any cleanup or abatement order, cease and desist order, or any order issued under Section 13267 or 13383, the regional board may issue an order establishing a time schedule and prescribing a civil penalty which shall become due if compliance is not achieved in accordance with that schedule."
5. In December 1995, Site Cleanup Requirements (Order Number 95-235) were adopted by the Board for the Site pursuant to California Water Code Section 13304. The Site Cleanup Requirements established tasks and schedules to assess and/or to take corrective actions with regard to soil, groundwater and sediment contamination at Point Molate. This schedule included completion dates for tasks such as designing and building a groundwater extraction trench extension, providing groundwater containment along the entire shoreline, completing a workplan and study for impacted sediments, developing a corrective action workplan for the landfill, and performing routine groundwater monitoring. These tasks are necessary to prevent contaminants from reaching the Bay and address contamination that has already reached the Bay.

The schedules in the Order were established based on the best knowledge the discharger had at that time regarding the budget for this site as well as for other sites in the region that are in the same funding category. The scheduling of tasks in the order reflects a BRAC IV funding priority list for projects at all of these facilities. This list was agreed upon in a June 18, 1996 meeting of the program managers from the Navy, the Department of Toxic Substances Control, the U.S. Environmental Protection Agency, and Board staff. During federal fiscal year 1997 (October 1, 1996 to September 30, 1997) the discharger did not execute tasks at the facility that were consistent with this funding priority list and the Site Cleanup Requirements.

6. The discharger has made some positive strides to comply with Order 95-235, but has not met all the deadlines established therein.
7. In 1995 the discharger constructed a 900 feet long groundwater extraction trench to intercept free product and contaminated groundwater before it migrates to the Bay. The trench has been operated since January 1996. The floating product and the groundwater captured in the extraction trench are treated through the on-site wastewater treatment facility, and then discharged to the bay under a NPDES permit. The discharger submitted an extraction trench completion report on May 1, 1996, thereby satisfying Task 3 of Order 95-235. Additionally, the Navy began implementation of free product removal in selected wells on March 4, 1996, thereby complying with task 7c of the Order.

8. The discharger has not satisfied other requirements in the Order. The following table describes the tasks and the schedules of the Site Cleanup Requirements which the discharger has not complied with .

Task Number	Task	Order Due Date	Status
2	Semiannual Groundwater Monitoring Reports	Every 6 months, starting 1996	Submitted a report for a subset of the required wells in January 1997
6a	Draft Baseline Sediment Quality Evaluation Work Plan	January 1, 1997	Projected completion date of January 1998
8c	Implementation of the Interim Corrective Action for Hydraulic Containment of Contaminated Groundwater	December 1, 1997	Completion date scheduled for March 1998
9a	Draft Corrective Action Workplan for Landfill	February 1, 1997	Completion scheduled for February 1999
9b	Final Corrective Action Workplan for Landfill	June 1, 1997	Completion scheduled for August 1999
11c	Completion Report for the Construction of the Groundwater Trench Extension	September 30, 1996	Completion date scheduled for March 1998
12a	Draft Workplan on Assessment of Contamination from Past Releases	February 1, 1997	Scheduled for completion in 1998

9. On October 15, 1997, the Board adopted Order No. 97-124 prescribing Site Cleanup Requirements for areas not addressed by Order 95-235, namely

underground fuel storage tanks and pipelines, and for the four installation restoration sites: the waste disposal area, the sand blasting area, the treatment ponds, and the shoreline area. Based on the discharger's past history of noncompliance with Order 95-235, Board staff conclude that there is a threatened violation of the newly proposed tasks.

10. Tasks 6a through 6d of Order 95-235, corrective action workplans and reports for the landfill, have been incorporated into Tasks 1a through 1d of the Site Cleanup Requirements (Order 97-124) and Tasks 4a through 4d of this Time Schedule Order.
11. Tasks 12a and 12b of Order 95-235, workplans on assessment of contamination from past releases, have been incorporated into Tasks 5, 6, and 7 of this Time Schedule Order and Tasks 2,3, and 4 of the Site Cleanup Requirements (Order 97-124).
12. In view of the noncompliance with the existing Order, issuance of a Time Schedule Order under Section 13308(a) of the California Water Code establishing a new compliance time schedule and maximum civil liabilities to be assessed in the event of noncompliance, is an appropriate action towards ensuring timely compliance with the revised schedule.
13. In determining the amount of civil liability, the Regional Board shall also take into consideration the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and such other matters as justice may require (Water Code section 13327).
14. If the Executive Officer determines the Navy has failed to comply with the time schedule in this Order, she may issue a complaint pursuant to Water Code section 13323(a) alleging the violation(s) of the time schedule and setting forth the amount of civil liability due under this Order. The Navy may either pay the civil liability or request a hearing before the Board. The Executive Officer or the Board may, at their discretion, reduce the amount of the proposed civil liability based on the specific factors in Finding No. 13 or to account for delays beyond the control of the Navy.
15. According to Section 13308(b) of the California Water Code: "The amount of the civil penalty shall be based upon the amount reasonably necessary to achieve

compliance, and may not include any amount intended to punish or redress previous violations. The amount of the penalty may not exceed \$10,000 for each day in which the violation occurs.

16. California Environmental Quality Act (CEQA): This action is an Order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of the CEQA pursuant to Section 15321, Title 14 of the California Code of Regulations.
17. PUBLIC HEARING: The Board has notified the discharger and interested agencies and persons of its intent under the California Water Code Section 13308 to adopt a Time Schedule Order for the discharge and has provided them with the opportunity for a public hearing and an opportunity to submit their written views and recommendations.
18. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS **HEREBY ORDERED**, pursuant to Section 13308 of the California Water Code, that the U. S. Navy shall complete the tasks described below by the following dates. In the event of a violation of a due date for a task, the associated civil liability shall accrue on each day after the due date until the task is completed. In no case shall the total amount accrued for all violations on any single day exceed \$10,000.

COMPLETION DATE/TASK:

PROVISIONS

The discharger shall comply with all Prohibitions and Specifications in accordance with the following time schedule:

**REVISED SCHEDULE FOR CERTAIN TASKS ORIGINALLY CONTAINED IN
SITE CLEANUP REQUIREMENTS - ORDER 95-235**

**1. TASK: COMPLETION REPORT FOR CONSTRUCTION OF THE
EXTRACTION TRENCH EXTENSION AND CONTAINMENT OF
RESIDUAL SOUTH SHORELINE FREE PRODUCT PLUMES**

COMPLETION DATE: March 1, 1998 . Submit a technical report, acceptable to the Executive Officer, which shall include but is not limited to:

- a. Operation and Maintenance Plan
- b. Performance Evaluation
- c. As-built drawings for the trench extension
- d. Any modifications from the approved design with rationale

MAXIMUM CIVIL LIABILITY FOR TASK 1: \$10,000 for each day the violation occurs after March 1, 1998 (total liability not to exceed \$850,000)

2. TASK: SEMIANNUAL GROUNDWATER MONITORING REPORTS

COMPLETION DATE: Every 6 months, starting February 1, 1998 . Submit a Semiannual Groundwater Monitoring Report, acceptable to the Executive Officer, as specified in the FINAL NAVAL FUEL DEPOT POINT MOLATE SHORELINE/LANDFILL INVESTIGATIONS AND QUARTERLY GROUNDWATER SAMPLING FIELD WORK PLAN/SAMPLING ANALYSIS PLAN, dated January 27, 1994 and as may be modified by the Executive Officer. A list of monitoring wells included in the sampling efforts is attached.

MAXIMUM CIVIL LIABILITY FOR TASK 2: \$10,000 for each day after February 1, 1998 on which a semiannual groundwater monitoring report has not been submitted (total liability not to exceed \$65,000 for each semiannual report)

3a. TASK: DRAFT CORRECTIVE ACTION WORKPLAN FOR THE LANDFILL (COMPARABLE TO A ENGINEERING EVALUATION/COST ANALYSIS)

COMPLETION DATE: March 1, 1999. Submit a technical report that evaluates corrective actions for soil and groundwater contamination caused by the landfill.

MAXIMUM CIVIL LIABILITY FOR TASK 3a: \$10,000 for each day the violation occurs after March 1, 1999 (total liability not to exceed \$125,000)

3b. TASK: FINAL CORRECTIVE ACTION WORKPLAN FOR THE LANDFILL

COMPLETION DATE: September 1, 1999. Submit a technical report, acceptable to the Executive Officer, that recommends the preferred

corrective actions for soil and groundwater contamination from impact by the Landfill. A schedule for completing the preferred corrective actions will be established by the Regional Board following review of the reports required by Provision Nos. 3a and 3b.

MAXIMUM CIVIL LIABILITY FOR TASK 3b: \$10,000 for each day the violation occurs after September 1, 1998 (total liability not to exceed \$125,000)

**NEW SCHEDULE OF TASKS CONTAINED IN SITE CLEANUP
REQUIREMENTS - ORDER 97-124**

4a. TASK: DRAFT WORK PLAN FOR THE REMEDIAL INVESTIGATION AT THE WASTE DISPOSAL AREA, SAND BLASTING AREA, TREATMENT PONDS, AND SHORELINE AREA

COMPLETION DATE: January 1, 1998 .

MAXIMUM CIVIL LIABILITY FOR TASK 4a: \$10,000 for each day the violation occurs after January 1, 1998 (total liability not to exceed \$95,000)

4b. TASK: FINAL WORK PLAN FOR THE REMEDIAL INVESTIGATION AT THE WASTE DISPOSAL AREA, SAND BLASTING AREA, TREATMENT PONDS, AND SHORELINE AREA

COMPLETION DATE: April 1, 1998. Submit a final work plan, acceptable to the Executive Officer, for the Remedial Investigation at the four Installation Restoration sites.

MAXIMUM CIVIL LIABILITY FOR TASK 4b: \$10,000 for each day the violation occurs after April 1, 1998 (total liability not to exceed \$95,000)

4c. TASK: DRAFT REMEDIAL INVESTIGATION REPORT FOR THE WASTE DISPOSAL AREA, SAND BLASTING AREA, TREATMENT PONDS, AND SHORELINE AREA

COMPLETION DATE: October 1, 1998. Submit a technical report, that defines the nature and extent of contamination at the four Remedial Investigation sites according to the approved workplan under Task 4b.

MAXIMUM CIVIL LIABILITY FOR TASK 4c: \$10,000 for each day the violation occurs after October 1, 1998 (total liability not to exceed \$350,000)

4d. TASK: FINAL REMEDIAL INVESTIGATION REPORT FOR THE WASTE DISPOSAL AREA, SAND BLASTING AREA, TREATMENT PONDS, AND SHORELINE AREA

COMPLETION DATE: January 1, 1999 . Submit a technical report, acceptable to the Executive Officer, that defines the nature and extent of contamination at the four Remedial Investigation sites according to the approved workplan under Task 4b. A schedule for remedial action/remedial design, if necessary, will be established by the Board following review of the Final Remedial Investigation Report.

MAXIMUM CIVIL LIABILITY FOR TASK 4d: \$10,000 for each day the violation occurs after January 1, 1999 (total liability not to exceed \$350,000)

5a. TASK: DRAFT FUEL PRODUCT ACTION LEVEL DEVELOPMENT REPORT (FPALDR) AND SAMPLING REPORTS FOR THE LARGE UNDERGROUND STORAGE TANKS (USTs) AND FUEL PIPELINES.

COMPLETION DATE: September 1, 1998. Submit a draft FPALDR, , that includes, but is not limited to:

- a. A matrix of cleanup levels for petroleum products in soil and groundwater around the USTs and fuel pipelines based on the protection of human health and the environment.
- b. The results of field sampling around site-specific USTs and fuel pipelines.

MAXIMUM CIVIL LIABILITY FOR TASK 5a: \$10,000 for each day the violation occurs after September 1, 1998 (total liability not to exceed \$175,000)

5b. TASK: FINAL FUEL PRODUCT ACTION LEVEL DEVELOPMENT REPORT (FPALDR) AND SAMPLING REPORTS FOR UNDERGROUND STORAGE TANKS (USTs) AND FUEL PIPELINES.

COMPLETION DATE: December 1, 1998. Submit a final FPALDR, acceptable to the Executive Officer, that includes, but is not limited to:

- a. A matrix of cleanup levels for petroleum products in soil and groundwater around the USTs and fuel pipelines based on the protection of human health and the environment.
- b. The results of field sampling around site-specific USTs and fuel pipelines.

MAXIMUM CIVIL LIABILITY FOR TASK 5b: \$10,000 for each day the violation occurs after December 1, 1998 (total liability not to exceed \$175,000)

6a. TASK: DRAFT WORKPLAN FOR THE REMOVAL OF LEAKING FUEL PIPELINES AND REMEDIATION OF ASSOCIATED CONTAMINATED SOILS ALONG THE DRUM LOT 1 SHORELINE

COMPLETION DATE: March 1, 1998 . Submit a draft technical report in the form of a Engineering Evaluation/Cost Analysis that proposes corrective actions for the fuel pipelines and soil contamination at the Drum Lot Number 1 shoreline.

MAXIMUM CIVIL LIABILITY FOR TASK 6a: \$10,000 for each day the violation occurs after March 1, 1998 (total liability not to exceed \$20,000)

6b. TASK: FINAL WORKPLAN FOR THE REMOVAL OF LEAKING FUEL PIPELINES AND REMEDIATION OF ASSOCIATED CONTAMINATED SOILS ALONG THE DRUM LOT 1 SHORELINE

COMPLETION DATE: June 1, 1998. Submit a final technical report in the form of a Engineering Evaluation/Cost Analysis, acceptable to the Executive Officer, that proposes corrective actions for the fuel pipelines and soil contamination at the Drum Lot Number 1 shoreline.

MAXIMUM CIVIL LIABILITY FOR TASK 6b: \$10,000 for each day the violation occurs after June 1, 1998 (total liability not to exceed \$20,000)

6c. TASK: IMPLEMENTATION OF THE REMOVAL OF LEAKING FUEL PIPELINES AND REMEDIATION OF ASSOCIATED CONTAMINATED SOILS ALONG THE DRUM LOT 1 SHORELINE

COMPLETION DATE: November 1, 1998. Submit a technical report, acceptable to the Executive Officer, that shows completion of corrective action for the fuel pipelines and soil contamination at the Drum Lot Number 1 shoreline.

MAXIMUM CIVIL LIABILITY FOR TASK 6c: \$10,000 for each day the violation occurs after November 1, 1998 (total liability not to exceed \$260,000)

7a. TASK: DRAFT DESIGN PACKAGE FOR THE PLANS AND SPECIFICATIONS FOR THE REMOVAL OF THE LARGE USTs AND FUEL PIPELINES BASEWIDE

COMPLETION DATE: October 1, 1998. Submit a draft technical design workplan documenting the specific approach to remove the large USTs and fuel pipelines and the soil in the immediate vicinity.

MAXIMUM CIVIL LIABILITY FOR TASK 7a: \$10,000 for each day the violation occurs after October 1, 1998 (total liability not to exceed \$144,000)

7b. TASK: FINAL DESIGN PACKAGE FOR THE PLANS AND SPECIFICATIONS FOR THE REMOVAL OF THE LARGE USTs AND FUEL PIPELINES BASEWIDE

COMPLETION DATE: January 1, 1999. Submit a final technical design workplan, acceptable to the Executive Officer, documenting the specific approach to remove the large USTs and fuel pipelines and the soil in the immediate vicinity.

MAXIMUM CIVIL LIABILITY FOR TASK 7b: \$10,000 for each day the violation occurs after January 1, 1999 (total liability not to exceed \$144,000)

8. TASK: CONTINGENCY PLAN TO PREVENT DISCHARGE OF LANDFILL FUEL CONTAMINANTS TO SAN FRANCISCO BAY

COMPLETION DATE: December 15, 1997. Submit a conceptual contingency plan, acceptable to the Executive Officer, to prevent discharge of fuel contaminants to San Francisco Bay in the drainage down gradient of the landfill in the event that monitoring detects seepage into the drainage.

MAXIMUM CIVIL LIABILITY FOR TASK 8: \$3,000 for each day the violation occurs after December 15, 1997 (total liability not to exceed \$3,000)

9. The discharger shall notify the Board staff of the date and time of any field activity associated with compliance with this Order.
10. The discharger may, by written request, seek modifications or revisions of this Order or any program or plan submitted pursuant to this Order at any time. This Order and any applicable program, plan, or schedule may be modified, terminated or revised by the Board.
11. If the discharger may be delayed, interrupted or prevented from meeting one or more of the completion dates specified in this Order, the discharger shall promptly notify the Executive Officer. If, for any reason, the discharger is unable to perform any activity or submit any document within the time required under this Order, the discharger may make a written request for a specified extension of time. The extension request shall include a justification for the delay, and shall be submitted in advance of the date on which the activity is to be performed or the document is due.
12. The discharger shall submit to the Board acceptable reports on compliance with the requirements of this Order. It is not the Board's intent to duplicate any reports due under other Orders therefore any reports due concurrently under this Order and another Order may be combined.
13. The discharger is responsible for distributing copies of the documents requested in this Order to the Board, Department of Toxic Substances Control, Department of Fish and Game, Contra Costa Health Department, and to other interested agencies.
14. The discharger shall file with the Board a report of any material change in the character, location, or quantity of waste discharge. For the purpose of these requirements, this includes any proposed change in boundaries, contours or ownership.

15. The discharger shall maintain a copy of this Order at the site so as to be available at all times to site operating personnel.
16. The Board considers the property owner and site operator to have continuing responsibility for correcting any problems within their reasonable control which arise in the future as a result of this Order.
17. These requirements do not authorize the commission of any act causing injury to the property of another or of the public, do not convey any property rights, do not remove liability under federal, state or local laws, and do not authorize discharge of waste without appropriate federal, state or local permits, authorizations, or determinations.
18. The Board will review this Order periodically and may revise the requirements when necessary.

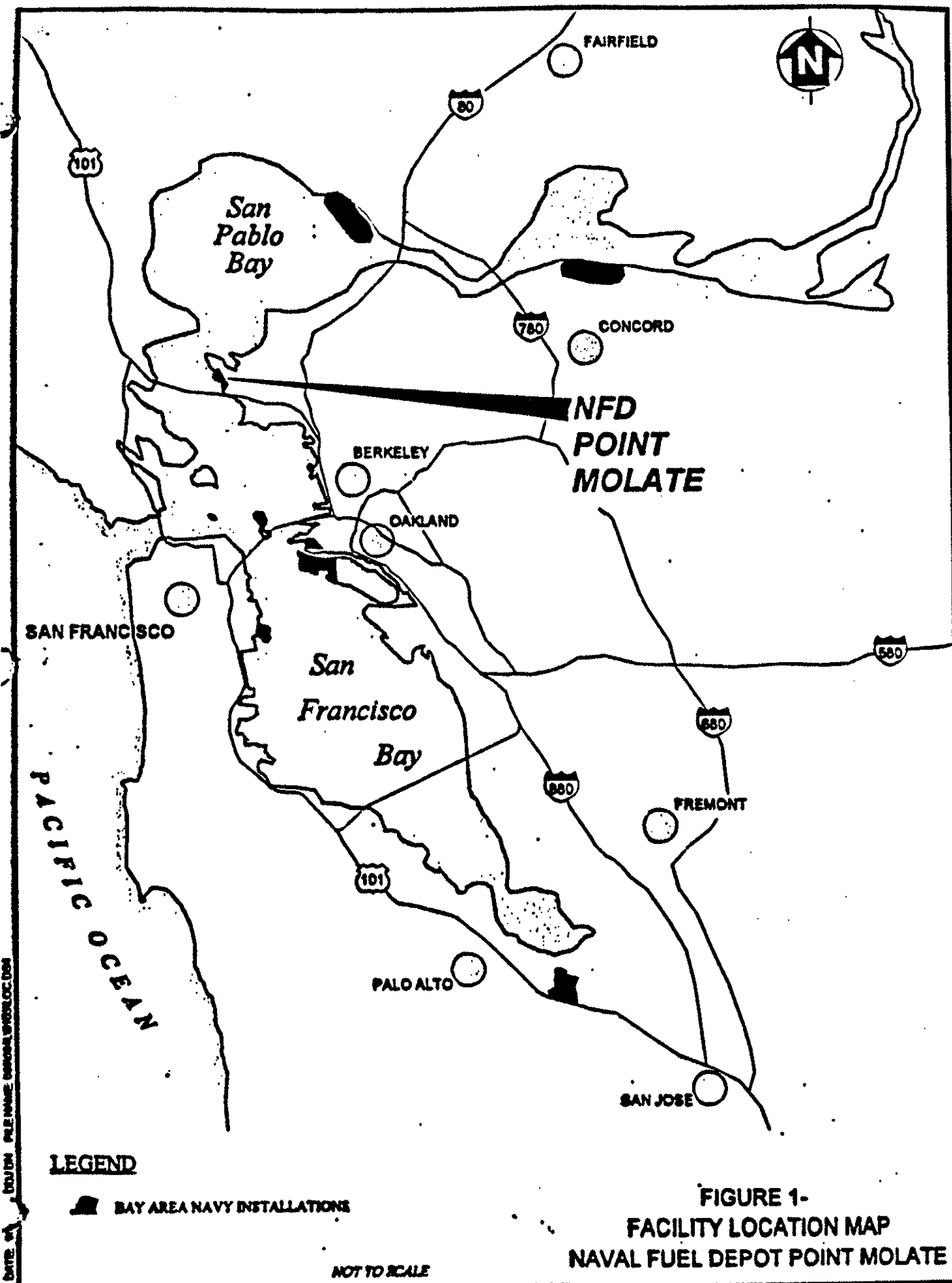
I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on October 15, 1997.



Loretta K. Barsamian
Executive Officer

Attachments:

- | | |
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| Figure 1: | Location/Site Map |
| Figure 2: | Areas of Concern/Site Map |
| Table 1: | List of Monitoring Wells in the Sampling Plan |



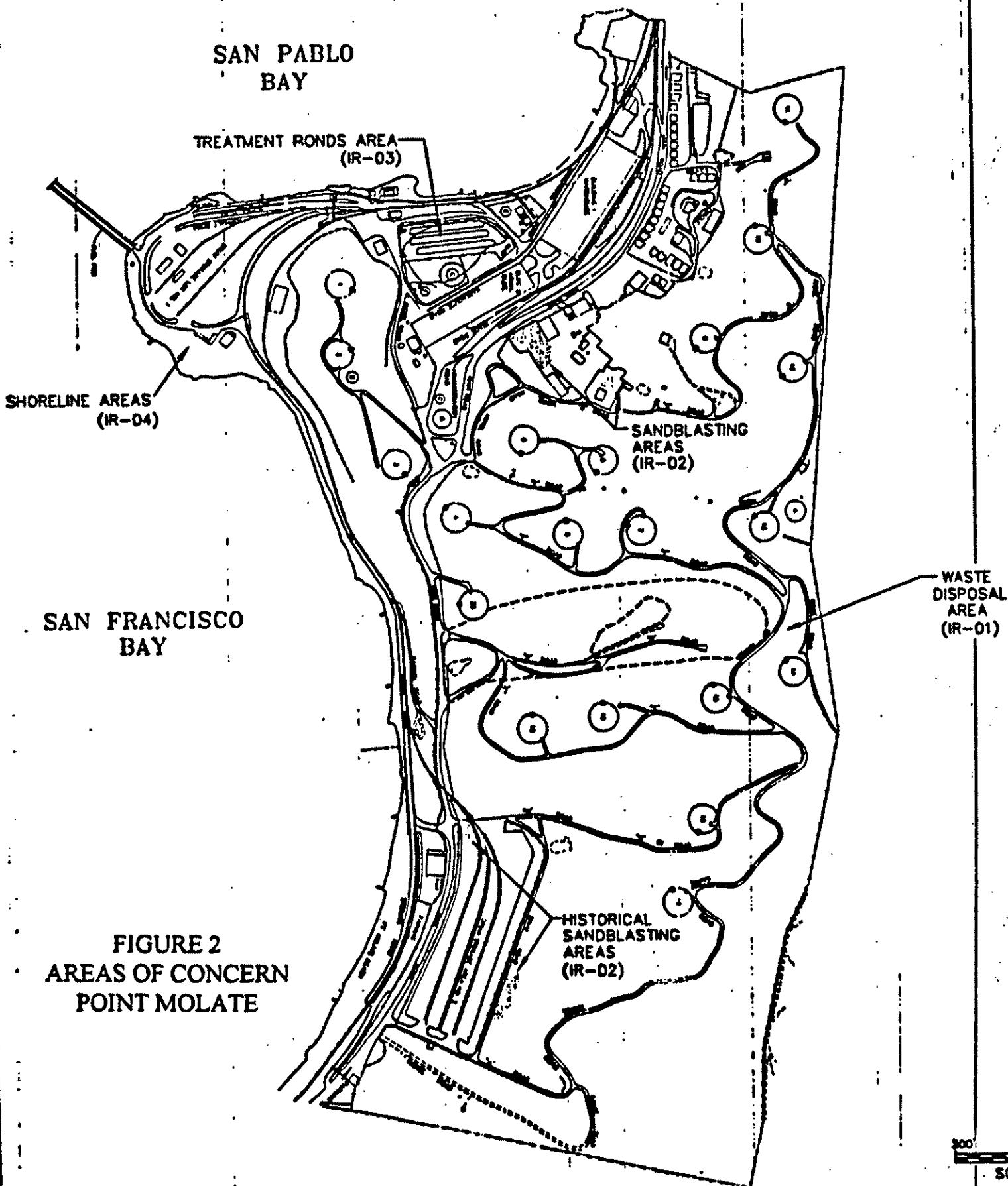


FIGURE 2
AREAS OF CONCERN
POINT MOLATE

Table 1 List of Monitoring Wells in the Sampling Plan

Well ID	Reason for Monitoring
MW11-02	Background condition at the north end
MW11-92	Trench performance evaluation
MW11-13	Trench performance and BTEX plume definition
MW11-93	Trench performance evaluation
MW11-54	Source control performance evaluation and trench extension determination
MW11-57	BTEX plume definition and verification of solvent detection
MW10-03	Source control performance evaluation
ERM10-1	Source control performance evaluation
ERM-EW2	Source control performance evaluation
MW02-07	Source control performance evaluation
MW10-08	Source control performance evaluation
ERM10-01	Source control performance evaluation
MW10-15	Background condition at the south end
MW11-20	Biopad detection monitoring
MW11-22	Biopad detection monitoring
MW11-23	Biopad detection monitoring